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Date of Deposit August 22, 2001

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Olga M Franz Printed Name Olga M Franz Signature

**REISSUE PATENT APPLICATION**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Reissue Application of	)	
U.S. Patent No. 5,945,416	)	
Applicants: Shannon, et al.	)	Group Art Unit: Unassigned
Application No.: Unassigned	)	Examiner: Unassigned
Filed: August 22, 2001	)	
For: METHOD FOR TREATING PAIN	)	
Docket No.: X-10576A	)	

**REISSUE DECLARATION**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which United States Patent No. 5,945,416 was granted on the invention entitled

**Method for Treating Pain**

the specification of which:

[ ] is attached hereto  
[X] was filed on March 24, 1997 as United States Application  
Serial No. 08/823,461

002230 ET 53660

whereof Eli Lilly and Company, on whose behalf and with whose assent this application is made, is now sole owner by assignment, and for which invention I solicit a reissue patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, and further including the new claims 45 through 91 which are being added by preliminary amendment submitted with the reissue application.

I acknowledge the duty to disclose all information known to me which is material to patentability as defined in 37 C.F.R. § 1.56.

I believe United States Letters Patent No. 5,945,416 may be at least partly inoperative for the reason that I claimed less than I had the right to claim in the patent.

New claims 45 to 69 define certain pharmaceutical compositions *per se*. I believe it was error to omit a set of claims defining these pharmaceutical compositions.

New claims 70 to 91 define certain pharmaceutical compositions in unit dose form. I believe it was error to omit a set of claims defining these pharmaceutical compositions in unit dose form.

I state that all errors being corrected in the present reissue application up to the time of filing of this declaration arose without any deceptive intention on my part.

Since this reissue application is being filed within two years of the issue date of United States Letters Patent No. 5,945,416, broader claims than those in the issued patent are permissible.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full Name of Sole or  
First Joint Inventor

: Harlan Edgar Shannon

Inventor's Signature

: Harlan Edgar Shannon Date: 21 August, 2001

Residence Address

: 4229 Rolling Springs Drive  
Carmel, Indiana 46033

Post Office Address

: SAME AS ABOVE

Citizenship

: U.S.A.

Full Name of Second

Joint Inventor, if Any : Daniel Edward Womer

Inventor's Signature

: David Edward Wilson

Date: 17 Aug 2001

Residence Address

: 5223 E. 123rd Court  
Thornton, Colorado 80241

Post Office Address

: SAME AS ABOVE

## Citizenship

: U.S.A.

- 3 -

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Olga S. Frank Printed Name Olga S. Frank Signature

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Application No.: Unassigned	)	Examiner: Unassigned
Filed: August 22, 2001	)	
For: METHOD FOR TREATING PAIN	)	
Docket No.: X-10576A	)	

**OFFER TO SURRENDER ORIGINAL LETTERS PATENT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Eli Lilly and Company, the sole owner of the entire right, title, and interest in U.S. Patent No. 5,945,416, by virtue of the Assignment recorded in the U.S. Patent and Trademark Office at Reel 10016, Frame 0148, hereby offers to surrender United States Letters Patent No. 5,945,416 conditional upon the Reissue of said Letters Patent.

Respectfully submitted,

ELI LILLY AND COMPANY

By Robert A. Armitage  
Robert A. Armitage  
Vice President and General Patent Counsel

August 20, 2001  
Date

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<u>Olga M Franz</u>	<u>Olga M Franz</u>
Printed Name	Signature

**REISSUE PATENT APPLICATION**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Reissue Application of	)	
U.S. Patent No. 5,945,416	)	
Applicants: Shannon, et al.	)	Group Art Unit: Unassigned
Application No.: Unassigned	)	Examiner: Unassigned
Filed: August 22, 2001	)	
For: METHOD FOR TREATING PAIN	)	
Docket No.: X-10576A	)	

**CONSENT OF ASSIGNEE OF ENTIRE INTEREST FOR**  
**REISSUE APPLICATION**

Assistant Commissioner for Patents  
Washington, D. C. 20231

Sir:

Eli Lilly and Company, a corporation of Indiana, as assignee of the entire right, title, and interest in and to United States Letters Patent No. 5,945,416 by virtue of an assignment recorded in the United States Patent and Trademark Office under date of June 11, 1999, on Reel 10016, at Frame 0148, hereby consents to the filing of accompanying application for reissue of United States Letters Patent No. 5,945,416.

Respectfully submitted,

ELI LILLY AND COMPANY

By Robert A. Armitage  
Robert A. Armitage  
Vice President and General Patent Counsel

August 20, 2001  
Date

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Olga M Franz	Olga M Franz
Printed Name	Signature

**REISSUE PATENT APPLICATION**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Reissue Application of	)	
U.S. Patent No. 5,945,416	)	
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For: METHOD FOR TREATING PAIN	)	
Docket No.: X-10576A	)	

**POWER OF ATTORNEY**  
**BY ASSIGNEE OF ENTIRE INTEREST**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

As Assignee of the entire interest in the above-identified application, Eli Lilly and Company, the sole owner of the entire right, title, and interest in U.S. Patent No. 5,945,416, by virtue of the Assignment recorded in the U.S. Patent and Trademark Office at Reel 10016, Frame 0148, hereby appoints the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

<u>Attorney</u>	<u>Reg. No.</u>	<u>Attorney</u>	<u>Reg. No.</u>
Arvie J. Anderson	45,263	Donald L. Corneglio	30,741
Lynn D. Apelgren	45,341	Gregory A. Cox	47,504
Robert A. Armitage	27,417	Paula K. Davis	47,517
Brian P. Barrett	39,597	Elizabeth A. Dawalt	44,646
Michael T. Bates	34,121	John C. Demeter	30,167
Roger S. Benjamin	27,025	Manisha A. Desai	43,585
Gary M. Birch	P48,881	Joanne Longo Feeney	35,134
William R. Boudreaux	35,796	Paul J. Gaylo	36,808
Steven P. Caltrider	36,467	Francis O. Ginah	44,712
Paul R. Cantrell	36,470	Janet A. Gongola	P48,436
Charles E. Cohen	34,565	Amy E. Hamilton	33,894

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<u>Attorney</u>	<u>Reg.No.</u>
Frederick D. Hunter	26,915
Thomas E. Jackson	33,064
Charles Joyner	30,466
Gerald P. Keleher	43,707
James J. Kelley	41,888
Paul J. Koivuniemi	31,533
Kirby Lee	47,744
Robert E. Lee	27,919
James P. Leeds	35,241
Nelsen L. Lentz	38,537
Douglas K. Norman	33,267
Arleen Palmberg	40,422
Thomas G. Plant	35,784
Edward Prein	37,212
Grant E. Reed	41,264

<u>Attorney</u>	<u>Reg. No.</u>
James J. Sales	33,773
Michael J. Sayles	32,295
Robert L. Sharp	45,609
David M. Stemerick	40,187
Mark J. Stewart	43,936
Robert D. Titus	40,206
Robert C. Tucker	45,165
Tina M. Tucker	47,145
MaCharri Vorndran-Jones	36,711
Gilbert T. Voy	43,972
Thomas D. Webster	39,872
Lawrence T. Welch	29,487
Alexander Wilson	45,782
Dan L. Wood	P48,613

said Robert A. Armitage and Douglas K. Norman to have in addition the power to revoke the power granted to all others listed above.

Send Correspondence To:

ELI LILLY AND COMPANY  
Patent Division/DC1104  
Lilly Corporate Center  
Indianapolis, Indiana 46285

Direct Telephone Calls To:

Nelsen L. Lentz  
(317) 276-1207

Respectfully submitted,

ELI LILLY AND COMPANY

By Robert A. Armitage  
Robert A. Armitage  
Vice President and General Patent Counsel

August 20, 2001  
Date

United States Patent & Trademark Office  
Office of Initial Patent Examination

Application papers not suitable for publication

SN 09935513 Mail Date 08/22/01

- ☐ Non-English Specification
- ☐ Specification contains drawing(s) on page(s) \_\_\_\_\_ or table(s) \_\_\_\_\_
- ☐ Landscape orientation of text   ☐ Specification   ☐ Claims   ☐ Abstract
- ☐ Handwritten   ☐ Specification   ☐ Claims   ☐ Abstract
- ☐ More than one column   ☐ Specification   ☐ Claims   ☐ Abstract
- ☐ Improper line spacing   ☐ Specification   ☐ Claims   ☐ Abstract
- ☒ Claims not on separate page(s)
- ☐ Abstract not on separate page(s)
- ☐ Improper paper size -- Must be either A4 (21 cm x 29.7 cm) or 8-1/2"x 11"
- ☐ Specification page(s) \_\_\_\_\_                      ☐ Abstract
- ☐ Drawing page(s) \_\_\_\_\_                                      ☐ Claim(s)
- ☐ Improper margins
- ☐ Specification page(s) \_\_\_\_\_                                      ☐ Abstract
- ☐ Drawing page(s) \_\_\_\_\_                                      ☐ Claim(s)
- ☐ Not reproducible                      Section
- Reason                                      ☐ Specification page(s) \_\_\_\_\_
- ☐ Paper too thin                                      ☐ Drawing page(s) \_\_\_\_\_
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- ☐ Non-white background                                      ☐ Claim(s)
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- ☐ Missing lead lines, drawing(s) \_\_\_\_\_
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- ☐ Excessive text, drawing(s) \_\_\_\_\_
- ☐ Photographs capable of illustration, drawing(s) \_\_\_\_\_

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